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No.: **ICC-02/04-01/05**

Date: **6 October 2006**

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Ekaterina Trendafilova

Registrar: Mr Bruno Cathala

**SITUATION IN UGANDA
IN THE CASE OF
*THE PROSECUTOR v. JOSEPH KONY, VINCENT OTTI, OKOT ODHIAMBO,
RASKA LUKWIYA AND DOMINIC ONGWEN***

Public Document

**REGISTRAR'S REPORT ON THE STATUS OF THE EXECUTION OF THE
WARRANTS OF ARREST IN THE SITUATION IN UGANDA**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Ms Christine Chung, Senior Trial Lawyer

The Registrar of the International Criminal Court (“the Court”);

NOTING the *Order to the Registrar and the Prosecutor for the submission of information on the status of the execution of the warrants of arrest in the Situation in Uganda*¹ issued by this Chamber on 15 September 2006;

NOTING the “Report from the Registrar to Pre-Trial Chamber II regarding the progress conducted by the Republic of Uganda to execute the warrants of arrest”² dated 12 April 2006;

NOTING the decisions of Pre-Trial Chamber II of 8 July and 27 September 2005 entitled, respectively, *Decision on the Prosecutor’s application for warrants of arrest under Article 58*³ and *Decision on the Prosecutor’s urgent application dated 26 September 2005*,⁴ in which the Chamber requested the Registrar to transmit the warrants of arrest and the requests for arrest and surrender to the appropriate States, in cooperation with the Prosecutor;

NOTING the warrant of arrest for Joseph Kony, issued on 8 July 2005 and amended on 27 September 2005,⁵ and the warrants of arrest for Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen issued on 8 July 2005;⁶

¹ ICC-02/04-01/05-111.

² ICC-02/04-01/05-81-US-Exp.

³ ICC-02/04-01/05-1-US-Exp.

⁴ ICC-02/04-01/05-26-US-Exp.

⁵ ICC-02/04-01/05-28-US-Exp.

⁶ ICC-02/04-01/05-4-US-Exp; ICC-02/04-01/05-6-US-Exp; ICC-02/04-01/05-8-US-Exp; ICC-02/04-01/05-10-US-Exp.

NOTING the requests for arrest and surrender issued on 8 July and 27 September 2005 to the Republic of Uganda⁷ and those issued on 27 September 2005 to the Democratic Republic of the Congo and the Republic of the Sudan;⁸

NOTING articles 87(1), 87(7) and 89(1) of the Statute, rules 176(2) and 184 of the Rules of Procedure and Evidence, and regulation 76(c) of the Regulations of the Registry;

SUBMITS the following information:

Notifications of warrants of arrest and related activities

The Registrar notified the warrants of arrest to the Governments of the Republic of Uganda and the Democratic Republic of the Congo on 30 September 2005 and to the Government of Sudan on 3 October 2005.

⁷ *Request for arrest and surrender of Joseph Kony* (ICC-02/04-01/05-12-US-Exp); *Request for arrest and surrender of Vincent Otti* (ICC-02/04-01/05-13-US-Exp); *Request for arrest and surrender of Raska Lukwiya* (ICC-02/04-01/05-14-US-Exp); *Request for arrest and surrender of Okot Odhiambo* (ICC-02/04-01/05-15-Exp); *Request for arrest and surrender of Dominic Ongwen* (ICC-02/04-01/05-16-US-Exp); *Request for arrest and surrender of Joseph Kony* issued on 8 July 2005 and amended on 27 September 2005.

⁸ *Request to the Democratic Republic of the Congo for arrest and surrender of Joseph Kony* (ICC-02/04-01/05-30-US-Exp); *Request to the Democratic Republic of the Congo for arrest and surrender of Vincent Otti* (ICC-02/04-01/05-31-US-Exp); *Request to the Democratic Republic of the Congo for arrest and surrender of Okot Odhiambo* (ICC-02/04-01/05-32-US-Exp); *Request to the Democratic Republic of the Congo for arrest and surrender of Dominic Ongwen* (ICC-02/04-01/05-33-US-Exp); *Request to the Democratic Republic of the Congo for arrest and surrender of Raska Lukwiya* (ICC-02/04-01/05-34-US-Exp). *Request to the Republic of Sudan for arrest and surrender of Joseph Kony* (ICC-02/04-01/05-35-US-Exp); *Request to the Republic of Sudan for arrest and surrender of Vincent Otti* (ICC-02/04-01/05-36-US-Exp); *Request to the Republic of Sudan for arrest and surrender of Okot Odhiambo* (ICC-02/04-01/05-37-US-Exp); *Request to the Republic of Sudan for arrest and surrender of Dominic Ongwen* (ICC-02/04-01/05-38-US-Exp); *Request to the Republic of Sudan for arrest and surrender of Raska Lukwiya* (ICC-02/04-01/05-39-US-Exp).

Activities in Uganda

The Registrar organised a seminar for Ugandan magistrates and judges on 26 October 2005, in connection with the execution of the warrants of arrest and in preparation for any potential arrests, in order to provide them with more detailed information about the work of the Court.

The seminar was primarily aimed at magistrates, since it had been indicated that once the suspects were arrested on the basis of the warrants of arrest issued by the Court, they would appear before a magistrate, in accordance with the bill implementing the Rome Statute.

Activities in Sudan

The Registrar appointed a representative to visit Khartoum, as part of a joint mission with the Office of the Prosecutor, in November 2005 in order to meet representatives of the Ministries of Justice, Defence, and Foreign Affairs.

The Government of Sudan informed the Registrar's representative that the warrants of arrest would be executed in accordance with Sudanese law.

Activities in the Democratic Republic of the Congo

The activities of the Registry in the Democratic Republic of the Congo in respect of the situation in Uganda have been scaled down since the Registrar had to accord priority to the execution of the warrant of arrest issued by Pre-Trial Chamber I for

Mr Lubanga Dyilo and in light of the general instability associated with the electoral process.

Registrar's first report to Pre-Trial Chamber II on the execution of the warrants of arrest

The Registrar has maintained regular contact with the Office of the Prosecutor in connection with the execution of the warrants of arrest, and the need to re-contact the States concerned was discussed. The Registrar concluded that in light of the political climate a certain degree of restraint was advisable.

Accordingly, on the basis of the requests for arrest and surrender, in which the Chamber requested to be informed of any difficulties arising in their execution, the Registrar wrote a note verbale to the Minister of Justice of the Government of Uganda on 24 March 2006. He requested a report on the measures taken to execute the warrants of arrest and a progress report on the DNA tests carried out for the Office of the Prosecutor with a view to identifying the body thought to be that of Mr Ongwen.

On 12 April 2006, the Registrar filed a report with this Chamber entitled "Report from the Registrar to Pre-Trial Chamber II regarding the progress conducted by the Republic of Uganda to execute the warrant of arrest". The Registrar highlighted therein two letters from Mr Tibaruha, Solicitor General of the Republic of Uganda, dated 7 April 2006, in which Mr Tibaruha described the measures taken to execute the five warrants of arrest and the negative results of the DNA test.

Shortly after this report, the Court entered into cooperation with Interpol, which issued “red notices” for the five suspects in June 2006. The Registrar has since received no information from Interpol.

Registrar’s second report to the Chamber on the execution of the warrants of arrest

On 26 September 2006, the Registrar transmitted the 15 September 2006 order, together with a note verbale and a letter, to the Governments of the Republic of Uganda, the Democratic Republic of the Congo and the Republic of the Sudan, after consulting with the Office of the Prosecutor about the timeliness of doing so (Annex 1);

Execution of the warrants of arrest by the Republic of Uganda

Mr Tibaruha, Solicitor General of the Republic of Uganda, sent a confidential letter to the Registrar explaining the situation regarding the execution of the warrants of arrest on 4 October 2006.

Accordingly, the Registrar is filing this letter, together with a letter from Ambassador Blaak stating that the letter from Mr Tibaruha, though marked confidential, can be made public (Annex 2).

Execution of the warrants of arrest by the Democratic Republic of the Congo

The Registrar wishes to point out that the Court has temporarily scaled down its presence in Kinshasa in order to lessen risk. This situation has resulted in, amongst other things, delays in the receipt of documents by the Congolese authorities.

The Ambassador of the Democratic Republic of the Congo to the Kingdom of the Netherlands informed the Registry on 5 October 2006 that a response was being prepared but that he would not be able to submit it by the 6 October 2005 time limit.

Execution of the warrants of arrest by the Republic of the Sudan

The First Counsellor of the Sudanese Embassy to the Kingdom of the Netherlands informed the Registry on 5 October 2006 that he had not yet received the information requested of his Government.

Accordingly, and in light of the information provided by the Governments of the Democratic Republic of the Congo and Sudan, the Registrar

REQUESTS an extension to the deadline for submission of the information to be provided by the Governments of the Democratic Republic of the Congo and Sudan;

STATES that the Chamber will be informed as soon as the information is received.

[signed]

**On behalf of the Registrar
Marc Dubuisson
Director
Division of Court Services**

Dated this Friday, 6 October 2006

At The Hague, The Netherlands